Nicholas Somberg: Hello?

Eric VanDussen: Is this Nick?

Nicholas Somberg: Yes, it is.

Eric VanDussen: Hi, my name's Eric VanDussen. I'm freelance journalist. […] I wondered if you could answer a few questions I had about an interview you did back on April 21st with Blasian Soul Podcast.

Nicholas Somberg: What case is it about?

Eric VanDussen: Well, you did an interview about the Wolverine Watchmen on the Blasian Soul Podcast back on April 21st [2021].

Nicholas Somberg: Yeah, yeah, yeah, yeah, yeah. I remember that.

Eric VanDussen: So, I was just wondering. You discussed a meme that you posted depicting governor Whitmer that you got kicked off of Facebook for. I'm just wondering, I looked on your Facebook page, your business one. It said that on March 8th, that you were kicked off, your personal account was. Then you indicated in that the broadcast that you had been given your personal page back after a reporter had asked for comment or something from Facebook. Can you tell me who that reporter was and how that occurred?

Nicholas Somberg: Yeah, I'll could look up at his name. I'm sure I still have it.

Eric VanDussen: Okay.

Nicholas Somberg: But yeah, it was just crazy. I was banned for life with no - I got the screenshots. It says your account has been permanently disabled. This decision cannot be reversed. I tried everything with Facebook going to the heads up. I tried calling lawyers. I'm like, I didn't do anything that gets a lifetime ban. I got thousands of followers. It's not just your - once your personal accounts banned, you can't comment on your business or anything. This reporter reached out and he is writing something on big tech censorship or something. I'm like, well, yeah, this is what happened. I shared a meme, which by the way, I think there's a similar meme, but it's about, I believe it's about Donald Trump and that's totally cool.

That can be shared tens of thousands of times. But because it's making fun of a Democrat, then they want to chop your off, which I can't even say that on Facebook. But yeah, that was really it until one day weeks later I was just out and about and my girlfriend called me. She's like, I think your Facebook's back. I'm like, what? I'm like, no way. She's like, well, I

noticed on Messenger that I could send you a message now and your picture - cause when your band, it just turns you into a little person icon. She's like, your picture's back and I clicked on your picture and your entire account's there.

Eric VanDussen: Did it – did it delete everything that you had on Facebook? Because the one on your business account said that you'd been permanently disabled and all your content had been sent down a memory hole.

Nicholas Somberg: Yeah. When you're disabled, you're locked out of your content.

Eric VanDussen: Okay, but your -

Nicholas Somberg: 12 years of content that's just gone. All these pictures, videos, all this stuff.

Eric VanDussen: So did all that come back once they reactivated?

Nicholas Somberg: Yeah, it was all back.

Eric VanDussen: Okay.

Nicholas Somberg: Then I did a full download at that point, just in case. I expect them to eventually ban me again.

Eric VanDussen: As far as the timing went, I've viewed the videos of the preliminary exams from down - March 3rd through the fifth in Jackson County for your client, Joseph Morrison. Then on March 8th is when that post was on your business Facebook page that you had been disabled. I'm just wondering timing wise, first of all, was the meme that you posted on spoke identical to the meme that was used as an exhibit?

Nicholas Somberg: Yeah, that's what I shared. Because it was broadcasted publicly. So I shared it. Once something's public, then I can share it and talk about it.

Eric VanDussen: So, you shared just that one meme or did you-

Nicholas Somberg: Yeah, because I thought it was extra hilarious.

Eric VanDussen: Did you share any of the other memes with her head on Hitler's body or with a Nazi head or anything like that?

Nicholas Somberg: Yeah, there were a bunch of other memes, but this particular meme made me almost bust out laughing in court. I thought it was pretty, pretty hilarious. So yeah, they had a bunch of memes, but this one in particular, that was pretty funny.

Eric VanDussen: So that's the only one you posted?

Nicholas Somberg: Yeah. Yeah. Just the one.

Eric VanDussen: So when did you first meet Joseph Morrison and Pete Musico?

Nicholas Somberg: I met Joseph at - when he was in jail for this. I drove out to Jackson to talk with him because I wanted to, you know - once I got to talk with him about it, I mean I realized was like, oh, okay. So you actually are innocent of this. This is a bunch of FBI bullshit, and yeah, I'd be happy to represent you.

Eric VanDussen: You hadn't met him before then?

Nicholas Somberg: I think we met one time. I think I was at a protest or something. He had me on Facebook and he sent me a message one time asking about just what his rights were with something. My name actually comes up in the discovery because they have everything he ever posted on Facebook.

Eric VanDussen: Okay.

Nicholas Somberg: But yeah, I think I met him briefly, but he was just a Facebook follower of mine, not somebody I knew.

Eric VanDussen: Okay. As far as Pete Musico, you met him prior to the arrest on October 7th, 2020?

Nicholas Somberg: I don't think so.

Eric VanDussen: Okay.

Nicholas Somberg: He could have ... I meet a ton of people every day, so he could've said hi to me at some protest or something. But yeah, didn't know him. Couldn't pick him out of a lineup.

Eric VanDussen: Okay. What's your personal feelings on the Boogaloo Boy movements and people that are associated with the Boogaloo Boys?

Nicholas Somberg: Well, you got to keep it - keep everything legal.

Eric VanDussen: I'm talking about their philosophy as far as wanting to start a civil war.

Nicholas Somberg: Well, I don't think that's their philosophy. I think - you said to start a civil war?

Eric VanDussen: Yeah. Yeah. Specifically the allegations.

Nicholas Somberg: I would say I don't think that's their philosophy. I think their training for and coming, or any sort of situation, if our country gets invaded or if they turn off all the power.

Eric VanDussen: You don't think they want to inst-

Nicholas Somberg: Power grid outage or something, and everyone goes crazy.

Eric VanDussen: You don't think they're trying to instigate a civil war?

Nicholas Somberg: No. If you're asking the Boogaloo move- like what their tenets are, could there be some crazy people that believe that? Sure. But that's not what, at least what my understanding is, which might be limited, is that they're just guys that are training for if shit hits the fan. If the government collapses, if our power grid goes down. If we're invaded, if Whitmer decides, if you don't have a vaccine, you're going to a concentration camp. That's what they're training for, scenarios like that.

Eric VanDussen: Do you think it's appropriate? You brought that up about a concentration camp. Do you think it's appropriate to equate Holocaust with COVID restrictions that were enacted by Governor Whitmer?

Nicholas Somberg: People would question, like - well how did people back then accept that? How did it get that far? It's because people's rights are taken away little bit by little bit. Okay, just social distance for two weeks. Okay, now it's another month. Now it's another month. Now you got to wear a mask. Now you got to get a vaccine. Okay, you got to a vaccine, but now you still got to wear a mask. Now you need two vaccines, now you need three, but you still got to wear a mask. And it's just like, our rights are taken away incrementally.

Eric VanDussen: But as far as-

Nicholas Somberg: I'm being facetious about the concentration camp -

Eric VanDussen: But do you think –

Nicholas Somberg: - but I think that that's how we get to that point is that eventually they say, okay, well now if you don't have the vaccine, you can't go to work. You can't go to school. You can't go on an airplane. You can't drive a car. You can't use credit cards or have a bank account until you follow our rules, that change every day.

Eric VanDussen: But I'm just wondering, for the most part, I would assume that if people that are Jewish in particular would be appalled by anyone making any

jokes that reference the Holocaust or anything related to that. I'm wondering how you feel about that?

Nicholas Somberg: Well, I'm Jewish and I think it's a pretty reasonable comparison.

Eric VanDussen: You're Jewish yourself?

Nicholas Somberg: Yep.

Eric VanDussen: Okay.

Nicholas Somberg: But yeah, that's what happens. You get a leader who gets drunk with power, crazy. They start dividing people. So in the Holocaust, they said, these are the Jews and they're bad. They - you need to treat them special. And you know, Governor Whitmer says okay, we have essential people. We have non-essential people. You have vaccine people and not vaccine. If you're not vaccinated, we're going to treat you different and it's going to be in a bad way. That if you're not, you can't work. They have the whole list, but yeah, sure, if that's what you want to focus on.

Eric VanDussen: No, I'm just - I've viewed some videos of you from the protests at Whitmer's residence on, I think April 23rd, [2020] and then you're at the Operation Gridlock on the 15th. Then on the 30th, you were at a protest there. I'm just wondering overall - in some of the videos you're shown speaking with Joseph Morrison and shaking his hand and he recognizes you and says, "Hey, what's up Nick." And other videos, you're fist bumping with Pete Musico and he is talking to you about cutting Whitmer's grass. In another video, you're shaking hands with Phil Robinson from the Michigan Liberty Militia. And this obviously predates the Watchmen's defendant's arrest on October 7th of that year. I'm just wondering what your association was with those individuals prior to their arrests.

Nicholas Somberg: Yeah, none. Literally, so many people follow me on Facebook and know who I am. It happens to me every single day. I'm out and about. I'm at lunch and some guy goes, oh, what up Nick? I fist bump them or say hi. I don't know who these people are. So it happens. So, yeah, I totally believe you that there's video walking around, but I try to like be nice to everybody who knows me and cool and whatever. But yeah, there's no like prior relationship.

Eric VanDussen: There's also – there's also specifically, there's a video from April 15th [2020] where you're headed towards the rally for Operation Gridlock and you are accompanied by, I believe your girlfriend and two other individuals. One is - they're both dressed in tactical gear with masks and one has a Hawaiian shirt dressed up affiliated, I'm assuming with the

Boogaloo. I'm wondering who those individuals were that you attended that protest with on the 15th.

Nicholas Somberg: Yeah. The one – the one guy is Kurt King, who is the one not in a Hawaiian shirt. And, he's my buddy. I actually met him ... he used to be one of the local campaign managers for Ron Paul in 2012.

Eric VanDussen: Okay.

Nicholas Somberg: So I've known him. I did my CPL class with him also many years ago. So the other guy, I had no idea who that person was.

Eric VanDussen: Okay. Yeah. I just noticed you walked all the way to the event with them, and I'm just wondering, from what's come out and what's been testified to as far as what the Boogaloo Boys believe and some of these other videos, you're shaking hands with some people that self-identify as Boogaloo Boys at, like the April 30th protest. I'm just wondering if you have any qualms with associating yourself with people that follow the Boogaloo Boy ideology.

Nicholas Somberg: Yeah. Yeah. I think maybe we have a different idea of what the ideology is, but I mean, I definitely try to be nice and respectful to just all people in general. But yeah, if you're training - say to protect people in case of civil unrest, yeah, I support that. If you're calling for doing illegal things, then I don't support that.

Eric VanDussen: Well, isn't talking about - such as Morrison and ... I know you can't talk specifically about the case, but you've said in some of your interviews, if it's come out in court, it's public record. And, in the public record, your client, Musico and then Paul Bellar were in a vehicle with the undercover, Dan, indicating that they wanted to go inside the Capitol on April 30 [2020] and start out the Boog and instigate the officers there to start a confrontation so they could spark off a civil war. And that's sworn testimony that was taken in the preliminary exam. That type of banter even, do you just take it as just banter, or should that be something that people should take seriously?

Nicholas Somberg: I would take it as, from what you're telling me, people talk, you know. People have the right to say all sorts of things about their leaders and all that. Which I've said before, if this group were saying the same things about Donald Trump, it would just be called Saturday Night Live. It would be no big deal. So people are a - get around and talk amongst their friends and disagree with the government and air their grievances and all that. If you look what happened, they entered. They were let into the building, they took their COVID questionnaires. They followed all the rules,

followed the laws. So, yeah, of course people talk smack when I think they're amongst friends and not being secretly recorded. […]

Eric VanDussen: What I'm perplexed about is that looking at all the evidence that I have, that's publicly available at this point, I - I don't understand how it escalated from, on April 15th [2020]. Dan was with them at the protest at Operation Gridlock on April 15th. Then they had a training on the 19th, and then they went back to the Capitol on the 30th. In that timeframe, there's conversations with Dan where Musico is saying he has a grenade and C4, and they're talking in the vehicle about how they want to stack-up and rush security on the 30th. All the FBI does when they're listening to the live feed of Dan saying, "Hey, they're getting ready to stack up and storm the state Capitol" is like the FBI like informs the Capitol police of what they looked like. I'm just wondering if you have any thoughts about, why did they, instead of nipping it in the bud initially, and just going out and getting a search warrant for Musico because they had more than enough probable cause to get a search warrant based off of his assertion that he had a grenade and that's illegal. Why wouldn't they just do that instead of trying to grow this into a much bigger case so they could stack up charges?

Nicholas Somberg: Yeah. Good question. Good question. I don't know. I believe this is all a big political thing.

Eric VanDussen: But if you go to Whitmer's and specifically even [Michigan Attorney General] Dana Nessel's interviews, subsequent to the April 30th [2020] protest, they were indicating that this could very easily have been a bloodbath and that it could have been a massacre and all these people could have been killed, and it was just luck. Then you look at the testimony that's come out in the Jackson County prelim where Dan and [FBI Special Agent Henrik] Impola testify that the three Jackson defendants were actually talking about trying to instigate the police into touching them so they could spark off the Boogaloo.

Nicholas Somberg: I think most crazy quotes are from Musico.

Eric VanDussen: Yeah. I don't - I don’t disagree with you.

[…]

Eric VanDussen: No, I appreciate it.

Nicholas Somberg: You're kinda talking to me about the Holocaust joke thing. If you run with that, I'm going to not talk to you in the future.

Eric VanDussen: No, I understand that. I just think that people have different perspectives on this things – […] I didn't understand. I didn't know that you were Jewish as well. I think the more perplexing thing to me is that, in the sequence of events, in looking at your interview from April 21st, 2021, you really think it's hilarious, this meme that you posted, and that meme was an exhibit that they were using against your client in a preliminary examination on very serious charges. And yet you think that meme is hilarious. Do you stick by that?

Nicholas Somberg: Have you seen it?

Eric VanDussen: Do you still think it's hilarious?

Nicholas Somberg: Have you seen the meme?

Eric VanDussen: Oh, absolutely. I've seen the meme.

Nicholas Somberg: Okay, I just want to make sure we're talking about the same one. What is it?

Eric VanDussen: It says "gross slut fucks whole state," and it has a picture of Governor Whitmer under the heading of Porn Hub.

Nicholas Somberg: Yes. I still think that is hilarious.

Eric VanDussen: Okay. Do you - do you see how that is newsworthy because you are an attorney and that is introduced as an exhibit and a preliminary exam, and then days later you post it to your Facebook page and then you're kicked off of Facebook for that meme that was an exhibit in a preliminary exam with your clients' life at stake?

Nicholas Somberg: Sure. I mean if that's just how you want to frame it. Whatever.

Eric VanDussen: I think that even people that are conservative might not think that that meme is hilarious, as you seem to.

Nicholas Somberg: Every person I show busts out laughing.

Eric VanDussen: Yeah.

Nicholas Somberg: Even Democrats.

[…]

Eric VanDussen: … So one other thing, in one of these videos I was watching, you had posted a while back, I think on April 30th [2020], you were in a limo with

some of your friends and you had a Trump mask. And you said that you carried that around to trigger people. What did you mean by that?

Nicholas Somberg: I said that?

Eric VanDussen: Yeah.

Nicholas Somberg: Are these videos still out there?

Eric VanDussen: I have a copy of the video.

Nicholas Somberg: Okay.

Eric VanDussen: You said that you brought that Trump mask around with you to trigger people. What would you mean by that?

Nicholas Somberg: If you're a- so taking your word for it - I mean, it sounds like something I probably would say. So some people, when they see Donald Trump's face, they throw a fit. They become triggered.

Eric VanDussen: Yeah, I get that. I understand - so you're a pretty avid Trump supporter, would you say?

Nicholas Somberg: Yeah. Yeah, sure.

Eric VanDussen: In that same video where you're in there with a couple of your friends in the back of that limo, one of them takes the mask and puts it in front of his face and starts talking like - mimicking Trump about the crowd size and stuff, and pretending to use his voice with a mask in front of him and then refers to Governor Whitmer as Whitler, and referring to her as Hitler. And it got quite of laugh out of you and everyone else in the limo. Is that just something else that you think is appropriate to joke about referring to her as Whitler?

Nicholas Somberg: If the shoe fits.

Eric VanDussen: So you think that there's nothing wrong with referring to Governor Whitmer as Hitler, in your opinion?

Nicholas Somberg: I think laughing at somebody who does, during a time where she is locking people down saying you can't get your hair cut while she's getting her haircut, telling landscapers they can't landscape while her home is being landscaped, telling people they can't use their boats while her husband's at the marina saying, "Hey, I'm the governor's husband. Let me get my boat." The list goes on. I think it was a pretty, pretty funny joke.

Eric VanDussen: All right. Also in that same video, one of your friends gave a - told a story about Killdozer and you reacted to that story by stating that he was awesome and the last, great American Patriot. Do you know much about the Killdozer story?

Nicholas Somberg: Not really. I haven't seen the documentary or anything.

Eric VanDussen: Yeah. I watched it last night. God - God told him that ... The documentary's pretty interesting because they - it's based off of primarily an audio recording manifesto that the guy made on a tape recorder before he went on his rampage. And he said that God told him to do what he did and build this bulldozer into a tank and go drive it over all these public officials' properties and homes, because God told him to do it. And it just seemed kind of weird that you were giving accolades, you and your friends, to someone who had been involved in a rampage and were calling him the last - you called him the last great American Patriot. I'm just wondering if you stand by that still?

Nicholas Somberg: Well, I haven't seen a documentary. Well, it was my understanding that the government, basically at the time, it was my understanding that what was going on is the government basically made his life impossible. He couldn't run his business or whatever. He went out and destroyed a bunch of government property, which I don't support. But as a meme, as a joke, you know I thought that was a ... I guess you're asking me questions about me joking around with my buddies in a limo, like years ago.

Eric VanDussen: But these are things you streamed live.

Nicholas Somberg: I'm giving you my time.

Eric VanDussen: No, I know.

Nicholas Somberg: It's cool, but I'm just like, okay, what is this reporter? What are you going to do with all this? You're going to write something on me that's bullshit or what?

Eric VanDussen: Well, I think your words are your words, and I'm just trying to clarify as whether or not these were things that you seriously believed. And you've indicated that you seriously believed that the meme that posted about Governor Whitmer - the Porn Hub one - was hilarious and you stand by that. And the activities of this Killdozer individual driving around this town and on a rampage with a bulldozer and then shooting himself in the head after he gets his bulldozer stuck in a basement of one of the buildings that he was destroying. You're saying he's the last American Patriot. I'm just wondering if that's something else that you stand by, or if that was just a joke.

Nicholas Somberg: It's just a joke. It's just a joke. Like I said, we're just havin- shooting shit in the limo, whatever.

[…]

Eric VanDussen: I have someone else I'm working with on a story. It started out as more about the Jackson County defendants. And once I went back into the database of all the video that I've scraped from the internet over these [2020 Lansing, MI] protests as they were occurring before the Wolverine Watchmen and these other militia groups had their Facebook pages disabled, I'm going through it and I'm finding you and quite a bit of the footage, either posted by yourself or by other people at these rallies. It was just kind of weird that you were associating with these people that are dressed up like Boogaloo and these defendants that are your clients ultimately, at a later date. I just thought that had some significance in this story as well.

Nicholas Somberg: Okay, makes sense. So what's the - what's the goal?

Eric VanDussen: I think it's turning into ... The title that you put on the video of your - once you posted that Blasian Soul Podcast interview on your own website, you titled it, I believe, "Who is Attorney Nicholas Somberg." And that may be the title of the article. […] One of the other things I wanted to pick your brain on is, there is a video on your YouTube page where you're interviewed by a Fox local station when you're a law student about when you called cops scumbags, that showed up because you were doing a second amendment protest carrying a gun somewhere.

Nicholas Somberg: Yeah.

Eric VanDussen: I was wondering, the actual video of that incident isn't public on your YouTube page. Is that something I could get from you?

Nicholas Somberg: I took that down and deleted it. I apologized for that whole situation and to the officers and everybody. That was definitely a young, young Nick Somberg.

Eric VanDussen: A law student? You were still a laws student?

Nicholas Somberg: Yeah.

Eric VanDussen: So you didn't take down the [Fox] interview, you just took down the video. Was that something that you had taped?

Nicholas Somberg: I'm not sure if the interviews there. I'll take your word for it.

Eric VanDussen: Yeah, the interview is still-

Nicholas Somberg: I took the video down. I thought it was embarrassing and I apologized to everybody. I wish it didn't happen, wish I could've handled that a lot better.

Eric VanDussen: The other case you handled, I forget who the two gentleman's names were, but they had went into the Dearborn police station, armed, and you represented both of them initially. Then I think someone else took the representation of one when it went to trial.

Nicholas Somberg: Yeah.

Eric VanDussen: They were both convicted. I read recently the Court of Appeals opinion in that case upholding their convictions. It wasn't appealed to the Supreme Court from what I see. At the time during their prosecution, your opinion was that they did absolutely nothing wrong. Is that still your opinion on that case?

Nicholas Somberg: Well, so my client ... geez, I forgot his name, the older gentleman.

Eric VanDussen: The one that was videotaping?

Nicholas Somberg: Yeah. So I thought - he didn't even have a gun on him. He just had a camera, but I totally get why the police handled that. Both of those gentlemen certainly could have ... Now looking back, they again probably should not have been doing what they were doing and also could have handled themselves a lot better.

Eric VanDussen: I see kind of the analogy, the similarities between that situation and what was going on at these protests at the Michigan Capitol building. I was a big advocate for - for banning guns in the Capitol building. I'm assuming you oppose the banning of open carry in the Capitol. Do you oppose that change that was made by the Capitol Commission?

Nicholas Somberg: Yeah. I mean - I oppose the change.

Eric VanDussen: You could still, if you have a concealed, you can carry a concealed. If you have a permit, you can carry a concealed firearm into the Capitol building. You still believe that that should remain in effect or should they ban all guns in the Capitol for private citizens?

Nicholas Somberg: I don't think they should ban any guns in the Capitol.

Eric VanDussen: Do you think that it could have turned into a bloodbath on April 30th [2020] if someone would have touched either the Null brothers or-

Nicholas Somberg: Yeah. So I mean - if we were in court, I would say, objection, question calls for speculation.

Eric VanDussen: Yeah.

Nicholas Somberg: You're asking me to speculate on something of something I don't know anything about. So I have no answer.

Eric VanDussen: I've got all kinds of videos of even like William Null standing up in the balcony over the senators, as he's making some very concerning comments. And the comments that were coming out of specifically Pete Musico's mouth and Adam Fox, when they're standing there on April 30th, [2020] right in the faces of these state troopers and the red coats gentlemen. Right after they got out of a car, saying that they wanted to start the Boogaloo and incite the officers to touch them. Do you see how that could have very clos- very easily turn into a bloodbath?

Nicholas Somberg: You're asking me to speculate, man. I get that you're making a statement. Are you recording this or are you just taking-

Eric VanDussen: Absolutely. I'm just wondering-

Nicholas Somberg: You said absolutely you are?

Eric VanDussen: Yeah.

Nicholas Somberg: Okay, which is fine. I assumed you were, but no. You're asking me to speculate and you're asking me ... that's going to be my answer. You're asking me to speculate on all this stuff and I don't want to comment on Musico man. I mean he’s, you know -

Eric VanDussen: He's a co-defendant. Let's go just to Adam Fox then, because you've publicly made statements in your interviews, such as specifically the one with Blasian Souls [Podcast]. You said that Fox is, and I'm paraphrasing, the crazy one and he absolutely was a scary dude. He was there on April 30th, armed and screaming at these officers, just like everyone else was. Adam Fox is a crazy scary dude, by your own-

Nicholas Somberg: Thank you guys. Thank you. Sorry, I’m listening.

Eric VanDussen: Your own assessment is that Adam Fox is a crazy, scary dude. I'm paraphrasing, but those are close to verbatim quote from your interview that you did with Blasian Souls. So if Adam Fox - you would've no concern with Adam Fox walking back into the Michigan Capitol building armed just like he was previously and being allowed to do that again?

Nicholas Somberg: Would I have a problem with Adam Fox? I mean you're asking me to speculate. Adam Fox is in jail, man.

Eric VanDussen: I understand that. Knowing what you know now about Adam Fox, do you think he should have been permitted, with the - then the Capitol Commission didn't have rules preventing it, so he was allowed to just walk in with his firearm into the Capitol building on April 30th [2020]. Do you-

Nicholas Somberg: Well, I don't think he'd be allowed to.

Eric VanDussen: Not anymore.

Nicholas Somberg: Yeah, not anymore. So that's it. I don't know what you want me to say.

Eric VanDussen: Alright. I guess I don't understand how, with as much - you know so much more about the intricate details of these cases. I haven't looked at the discovery in this or the Antrim County case that's pending. And it's kind of perplexing to me how you, knowing all of this information, still are of the opinion that the Capitol building should be open carry - open carry should be permitted in Michigan's Capitol building.

Nicholas Somberg: You say that concealed carry is allowed still, right?

Eric VanDussen: Yes.

Nicholas Somberg: In my opinion, open carry is a safer, that's the safe like - criminals are going to conceal no matter what, right?

Eric VanDussen: Yeah. But you can-

Nicholas Somberg: Somebody who open carries generally, even historically, if you go back thousands of years, people who wore their sword on their hip openly were men of honor, whereas the criminals had the hidden dagger.

Eric VanDussen: But you can't carry an AK-47.

Nicholas Somberg: I feel more comfortable knowing if somebody's carrying or not-

Eric VanDussen: But you can't carry-

Nicholas Somberg: I just don't ... go ahead.

Eric VanDussen: You can't - you can’t conceal an AK-47 very easily, unless you're wearing a trench coat and then everyone's going to be looking at you.

Nicholas Somberg: Right. If you have a firearm, the whole thing is just to me, it's just not a big thing. We have the Second Amendment and it's already gone - already deteriorated quite a bit. So just to the question, should we have more gun laws? No. That's the answer.

Eric VanDussen: I don't own firearms myself, but I'm absolutely a second amendment rights adv- I guess I wouldn't say advocate - but I'm a supporter. All my friends own guns. I'm around guns. I shoot guns occasionally. But I guess the one thing that I can't - because I've filmed in the Michigan Supreme Court multiple times, mostly on medical marijuana cases back in the day. I had to sue the - sue the Court of Appeals in an original action in the Supreme Court, just to force the Court of Appeals to allow me to film medical marijuana oral arguments. So going through the security that is there in most courtrooms throughout the state and specifically like the Supreme Court building and the amount of security you have to go through - through the metal detectors.

Nicholas Somberg: Yeah.

Eric VanDussen: Just to go in front of, what is it? They have seven justices on the Michigan Supreme Court, I think.

Nicholas Somberg: Yeah.

Eric VanDussen: So there's seven justices, and that's the amount of security you have to go through to get into that courtroom. And you go to the Capitol building at the time on April 30th, [2020] before they changed the rules, and there was no protection for hundreds of legislators.

Nicholas Somberg: I hear you, man. I get your side completely.

Eric VanDussen: 99% of people - I would agree with you - that that own firearms I'm not concerned about, but how do you pick that one crazy dude out of the crowd and determine which one is an Adam Fox and which one is just a normal guy that is just upset about things? How do you determine that when you're trying to figure out if you should have metal detectors when people go in the Michigan State Capitol? I guess that's my - that’s perplexing to me.

Nicholas Somberg: Yeah. I hear you completely. You could be anywhere, man. I was just at a restaurant and somebody could pull out a gun and shoot me. It's just life. It's freedom. Unless we want to have a police state and monitor everything and everyone at all times, there's just a certain level of risk when you live in a free society.

Eric VanDussen: All right.

Nicholas Somberg: You know what I mean?

Eric VanDussen: Go ahead.

Nicholas Somberg: No, I'm just saying I hear your arguments. I get it. I'm just not going to support any new gun laws.

Eric VanDussen: What do you think about the Democrats being - Shirkey allowing their proposed bill for red flag laws to be debated?

Nicholas Somberg: I'm not educated enough on it to comment, actually.

Eric VanDussen: I'm just following a couple news stories I read about it. I didn't know if you'd read the legislation proposed. Proposed bills.

Nicholas Somberg: I get the general gist of it, but I'm not educated on it.

Eric VanDussen: Trump supported red flag laws though. What generally do you think about red flag laws?

Nicholas Somberg: So it's my understanding that red flag laws basically says that the government can remove firearms first, without - without a hearing, and then you have to petition to get them back. Is that right?

Eric VanDussen: Yeah, basically.

Nicholas Somberg: It's just a slippery slope. Anything with the government. They say, okay, they do something that sounds reasonable and then they change. Okay, well now the definition of mentally unstable, if you oppose the COVID vaccine, now you're mentally unstable and they can take your guns. They can change enough. Once you set the framework for the government to be able to just take people's firearms, like willy-nilly with no judge, no due process, now they can just, oh, we have an amendment and now, you know, this is the new definition of what it means to not be mentally fit and all that. That's why I don't support just any gun laws in general.

Eric VanDussen: So if an individual – You know what I find crazy is, if someone were to say, "I want to kill the president of the United States," they'd have the secret service beating down their door even if they were just full of and talking shit. You would be visited very promptly. But with Governor Whitmer, there's all kinds of threats that were being made that were being recorded on wires during these investigations about people wanting to wait outside the Capitol to see if she was going to come out so they could take her out. At that point, if you take the comments, just hypothetically, a different person. Let's say just an imaginary person is making threats against a governor - any governor – saying, and they have a gun, is that

enough for someone to petition a court to go take their guns away after threatening to kill someone and they have arms?

Nicholas Somberg: Well, we do have laws. We have malicious use of a telecommunication device. So it's pretty easy. All they need is probable cause and they can go and arrest somebody with a warrant and do it right. I'd just rather have things done right with due process than creating this just mechanism for the government to change. What you're saying sounds reasonable, but they can change the definitions in the future and they can change the standards. And then once they change them, they don't ever give your freedom back once they take it. I'm for due process. Hey, if someone's threatening anybody outright, and we can charge them with a crime, get your probable cause, find a judge, get a warrant from a judge. Go and arrest this person and, if the warrant says so, take the guns. But you can't just leave out the whole due process and say, well, I don't like what this person said. It just creates a - it opens a can of worms, I guess that's how they put it. It's a can of worms, a slippery slope. It's just a potential for abuse in the future.

Eric VanDussen: What do you think about these militia groups, specifically the Michigan Liberty Militia providing security for these American Patriot rallies and standing on each side of the stage on the Capitol steps with their finger close to the trigger while speakers are in the middle of them?

Nicholas Somberg: I don't know anything about these people or those situations.

Eric VanDussen: Just talking about these militia groups acting as private security guards. Have you looked into the laws about what it takes to become a private security guard and get licensed for that?

Nicholas Somberg: I have not.

Eric VanDussen: Okay. Well, it's kind of a weird law. I've looked into it recently because I'm kind of flabbergasted about how Phil Robinson, especially because I've been doing a deep dive into him because of his association with the Null brothers and stuff. He's at all these protests and sometimes like he looks like he's going to just flip his shit on these-

Nicholas Somberg: Who?

Eric VanDussen: Phil Robinson, the head of the Michigan Liberty Militia, the guy with a braided beard.

Nicholas Somberg: Okay. Did he end up being an FBI agent or is he not?

Eric VanDussen: I've heard that he was an informant, but-

Nicholas Somberg: He was?

Eric VanDussen: I have not been able - I have not -

Nicholas Somberg: These people, more than half they're all ... The reason why this whole case is bullshit and I took it is because the FBI set all of this up. They took a bunch of guys up in the woods, kind of back woods, not doing much, not really educated. And they created this whole scenario on their own that would've never existed. We got our entrapment motion on the 23rd based on all this. That's my problem with this case. It's not like this FBI was out passively listening and, okay, set up the drug dealers. Then the drug dealers do their thing. It's like, no, they took over this organization. They had agents left and right and really just forced this whole thing. My client, Joe Morrison, he didn't do anything. He just made a damn Facebook page. I guess people came to his house to shoot guns in the backyard. That's really what this comes down to and I'm still waiting for the smoking gun. We have six terabytes of discovery and I'm like, all right, you don't get to send me sic terabytes. Just send me the text message or the something where my client provides the material support that any sort of plot. It just doesn't exist. They're trying to go with this roundabout way, say, oh, well, look who look at him and he's scary. In my opinion, they don't have a strong case. So you even mention, well, this guy, Phil Robinson, he looks scary and he's bugging his eyes out at people. I'm like, isn't he an FBI agent?

Eric VanDussen: I don't know. I haven't been - I haven't been able to contact him.

Nicholas Somberg: That's what I'm talking about. Their hands are so dirty. It blows my mind.

Eric VanDussen: So, don't - I don't want you to take it wrong. I have not confirmed that he is an FBI informant.

Nicholas Somberg: I'm pretty sure Phil Robinson. I'm like 90% sure. I think - I think he's like either an FBI agent or one of their dudes or something, but yeah, again, don't quote me either because I'm not 100% sure. [See: "Can you make something off the record once you've said it on the record?" - Columbia Journalism Review - www.cjr.org/first_person/on_or_off_the_record.php]

Eric VanDussen: Yeah.

Nicholas Somberg: But my point still stands that that's what they do. They send out these guys to just amp up people. It's sad. It's stupid. They should be focusing on actual crimes and terrorists and bad people and not messing with a bunch of up north, good old boys smoking weed around a bonfire, talking shit about the government. Leave them alone.

Eric VanDussen: Yeah. I'm not saying I -

Nicholas Somberg: If you record somebody for eight months - so it sounds like you went and found a bunch of recordings and whatever, and then you're going to piece it together in a way to fit a narrative that you want to portray of me. Whatever, that's fine. Whatever. But the government is doing the same thing to my clients. They recorded everything he's ever said for like eight months, even when he is hanging out with his buddies, just talking shit, and they're stringing it together to try to make him look bad. I think that could be done with many Americans.

Eric VanDussen: I'm not disagreeing with you, but your client posted memes with a sword that said, Governor Whitmer's head on a platter.

Nicholas Somberg: Yeah, and Kathy Griffin had Donald Trump's severed head on the cover of a magazine.

Eric VanDussen: I know. I'm not disagreeing with you. I'm not disagreeing with

Nicholas Somberg: No, that's what I'm saying. The point I made earlier is like, if these guys were an anti-Trump organization, they would probably be given medals. They would be on Saturday Night Live, how brave and heroes they are. But because it's against the Democrat, which by the way, they're on all sides of the political area. But because they're generally against the people in power who are Democrats, now they're bad evil guys. Where Saturday Night Live, you got that one. I don't watch these shows, but you have that one comedian shoot somebody dressed up as Donald Trump on TV. She shot him. I'm like, whoa. That's worse than anything. This blows my mind that that's cool. That's on Saturday night live. It's supposed to be funny. And then when my client posts a meme, gross slut fucks the whole state, oh he's a terrorist. It's so - it’s two standards, absolutely.

Eric VanDussen: But I guess who's the judge? How do you determine whether it's just hyperbole? That was a lot of your allocution at the bind over on March 29th was, it's satire and hyperbole. I'm not saying that I-

Nicholas Somberg: It's the burden of the prosecution of the state to prove that it's not hyperbole.

Eric VanDussen: No, I agree with you. So do you think that it's any easier at the state level than at the fed level to get an entrapment jury instruction?

Nicholas Somberg: I hope so. I really don't know.

Eric VanDussen: With Franks now taking a plea in the federal case and they got two pled out that are going to testify against everyone else in that case.

Nicholas Somberg: Yeah. I really - I really don't know. My client, he's already served. So his guidelines, if you were to just straight up plead guilty, he's already served three-fourths of what his sentence would likely be.

Eric VanDussen: If he's convicted flat out of everything he's charge with?

Nicholas Somberg: Yeah. Yeah. I think his guidelines were - well, his guidelines for like two to four years, and then plus the felony firearm actually does add another two years. […] So we're looking at like four to six, but he served a year and a half. You know -

Eric VanDussen: Yeah.

Nicholas Somberg: I don't know. Okay. Maybe that was a little bit bad math, but the point is he served the significant portion where at this point he's just like, I didn't do anything. Let's go to trial. He'll take the stand probably. It's like, they're trying to make something, you know. How long does it take to prove something that just isn't true? And, I'm sure they're going to take weeks and walk in all these witnesses. It's like, if he did it, you could just show me what he did. You know what I mean? It doesn't take all this character assassination and oh, look how scary they are, and like all this. So if he did what he's accused of doing, which is providing material support to a terrorist plot, which I'm still to this day, I'm like, what is the support? He didn't give any money, no ammo, no advice, no nothing. It's a little confusing. It's hard to even argue where I'm like, so what did he provide?

Eric VanDussen: His property basically. They came to his property.

Nicholas Somberg: Yeah. But Adam Fox came to his property to train the - I guess he shot guns, but they didn't train to kidnap. The material support has to be given in furtherance of the plot. […] So, if Osama bin Laden dropped his wallet the day before 9/11, and you picked it up and handed it to him, oh my God, you gave him material support. Or the flight school from 9/11 terrorist. They had to actually know like, oh, they train there. So you're in trouble. No, you have to actually know there's a plot. There has to actually be a plot, which there wasn't I would say at the time, that you got to know of the plot. Then not only that, then the material support that you provide needs to be in furtherance of the plot.

[…]

Nicholas Somberg: So Eric, you've done some research on me. Do you think I'm a good guy or a bad guy?

Eric VanDussen: I think that I disagree with - I don't think you're a bad guy. […] I think that your sense of humor taken literally can ruffle feathers. I personally do not

find humor in the PornHub meme. I don't. I think that it’s - what I found really weird is that you decided, after that was in a string of memes that were being presented as exhibits when [FBI Special Agent Henrik] Impola was testifying and they're putting them up on the screen behind him, and he's rattling through all these memes showing - depicting Governor Whitmer as Hitler, on Hitler's body with a Nazi hat on her and then the PornHub one. And, right after that, within days of that, you're posting it on Facebook one of those memes and getting kicked off Facebook for doing so and thinking that's hilarious. I- I don't think that's hilarious.

Nicholas Somberg: Alright.

Eric VanDussen: And I'm not saying there's not a lot of people in your corner that do think it's hilarious. I agree with you that there are probably a lot of people that do, but I think the timing in which you posted that to your Facebook account right after it was used as an exhibit in the prelim of your client is really weird to me. That's just my honest take on that issue.

Nicholas Somberg: Okay. That's fine. Okay. I was just curious as your overall opinion, because I would say I know that you have differing, the humor and stuff, but if you haven't figured it out, I am most definitely a good guy and fight for people's rights. And if you ever needed somebody to fight for you, you know, I'd be there and I help a lot of people out. Check my reviews.